

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SPRINT COMMUNICATIONS COMPANY L.P., LEVEL 3 COMMUNICATIONS, LLC, AND KMC TELECOM V, INC.	DOCKET NO. DRU-03-5 (SPU-02-11 SPU-02-13)
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**ORDER SHORTENING TIME TO RESPOND AND
TO REQUEST INFORMAL MEETING**

(Issued September 19, 2003)

On September 16, 2003, Level 3 Communications, LLC, Sprint Communications Company L.P., and KMC Telecom V, Inc., (collectively, Petitioners) filed with the Utilities Board (Board) a "Request For Expedited Declaratory Ruling." Petitioners seek a ruling to the effect that when the Board issued its "Final Decision And Order" in this docket and encouraged the parties to negotiate and seek alternative solutions, the Board contemplated that the parties would consider alternatives other than the retail services already available through the tariffs and catalogs of the incumbent local exchange carriers (ILECs).

Petitioners state that in the first round of negotiations, the ILECs, specifically Qwest Corporation and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, did not offer any alternatives other than their existing retail products and services, which were available to Petitioners even before they initiated these dockets. Petitioners argue that the Board must have intended that the parties negotiate

regarding alternatives that are not already available, since an interpretation that allows the ILECs to offer only solutions that are readily available without negotiations renders the concept of "negotiation" meaningless.

Petitioners filed their request pursuant to the procedures established in the "Final Decision And Order," in which the Board created a mechanism for the Board's administrative law judge to issue quick, non-binding advisory resolutions of impasse issues, which can then be appealed to the Board for an expedited decision in the nature of a declaratory order. Petitioners ask that the Board skip the advisory resolution and directly grant a declaratory order prior to the parties next negotiating session, tentatively scheduled for the week of October 6, 2003.

Normally, the Board would be disinclined to shortcut the procedure it has established. However, the issue raised by Petitioners appears to go to the very structure and purpose of the negotiations, such that an exception may be appropriate. The Board tentatively concludes that it will grant Petitioners' procedural request to skip the advisory resolution step of the dispute resolution process the Board established in the "Final Decision And Order." If the other parties disagree with this tentative conclusion, they may argue their positions in their responses to the Petitioners' request for declaratory order.

In order to preserve the possibility of issuing a declaratory order prior to the next negotiating session, the Board will shorten the time for filing responses to the request for declaratory order. Any such responses must be filed no later than

September 24, 2003. Further, if any party intends to request an informal meeting pursuant to 199 IAC 4.7, the request must be filed on or before September 24, 2003.

IT IS THEREFORE ORDERED:

1. Any answers, motions, or pleadings responding to the "Request For Expedited Declaratory Ruling" filed by Level 3 Communications, LLC, Sprint Communications Company L.P., and KMC Telecom V, Inc., shall be filed on or before September 24, 2003.

2. Any request for an informal meeting in this docket, pursuant to 199 IAC 4.7, must be filed on or before September 24, 2003.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 19th day of September, 2003.